

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Earl Booker,

Civ. No. 10-1018 (MJD/JJK)

Plaintiff,

v.

M. Hertenstein, et al.,

ORDER

Defendants.

Earl Booker, #10896-040, FCI, P.O. Box 1000, Sandstone, MN 55072, *pro se*.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated May 27, 2010. No objections have been filed to that Report and Recommendation in the time period permitted. Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Plaintiff's application for leave to proceed *in forma pauperis*, (Docket No. 2), is **DENIED**; and

2. This action is **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: July 8, 2010

s/Michael J. Davis
Michael J. Davis
Chief Judge
United States District Judge